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U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**NOTICE OF APPEAL AND  
REQUEST FOR EXTENSION OF  
TIME  
PURSUANT TO 37 C.F.R. §  
1.136(a)**

Docket Number:  
**11245/46604**

Application Number  
**09/840,146**

Filing Date  
**April 24, 2001**

Examiner  
**Anne L. Holleran**

Art Unit  
**1642**

Confirmation No.  
**5311**

Invention Title  
**TREATMENT OF REFRACTORY  
HUMAN TUMORS WITH EPIDERMAL  
GROWTH FACTOR RECEPTOR  
ANTAGONISTS**

Inventor(s)  
**Harlan W. WAKSAL**

Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the  
United States Postal Service with sufficient postage as first class mail in an  
envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450 on May 18, 2004

By:   
Kathryn M. Lumb (Reg. No. 46,885)

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of  
the Examiner made in the Office Action dated November 18, 2003 rejecting claims 36-47, 51-58, 73-76  
and 126-138.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.191 Notice of  
Appeal fee of \$330.00 to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.  
The Commissioner is also authorized to charge any additional fees or credit any overpayment in  
connection with this paper to Deposit Account No. 11-0600.

Applicants respectfully request a **three-month** extension of time in which to respond to the Office  
Action mailed November 18, 2003, for which a three month response period expiring on February 18,  
2004 was set. The three-month extended period expires on May 18, 2004. The Commissioner is hereby  
authorized to charge the **three-month extension fee** of \$950.00, and any additional fees that may be  
required, or credit any overpayment to the deposit account of **Kenyon & Kenyon**, deposit account number  
**11-0600**. A duplicate copy of this form is enclosed for charging purposes.

Dated: May 18, 2004

By:

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